



PATENT - INFORMATION DISCLOSURE STATEMENT

Attny Dkt No.: 397-8

IFW

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: BARSTOW, David et al.

Appl'n No.: 09/548,719

Filing Date: 13 April 2000

For: METHOD AND APPARATUS FOR BROADCASTING  
LIVE EVENTS TO ANOTHER LOCATION AND  
PRODUCING A COMPUTER SIMULATION OF THE  
EVENTS AT THAT LOCATION

Group Art Unit: 2178

Examiner: PAULA, C

**Commissioner for Patents**

P.O. Box 1450

Alexandria, VA 22313-1450

**NOTIFICATION OF LITIGATION  
UNDER 37 C.F.R. § 1.97 & § 1.98**

Sir:

Under the provisions of 37 C.F.R. § 1.97(b)(1), and in accordance with the Applicants' duty of disclosure under 37 C.F.R. § 1.56, Applicants would like to call to the Examiner's attention the litigation documents listed below and on the enclosed substitute form PTO-1449.

It is respectfully requested that the listed litigation documents be expressly considered during the prosecution of this application, that the Examiner initial each listed document to evidence its consideration, and that the listed documents be made of record therein and appear among the "References Cited" section on any patent to issue therefrom.

Applicants disclose for the Examiner's review the below-listed documents relating to a litigation (*DDB Technologies, LLC. v. MLB Advanced Media, L.P.*, Civil Action No. A04 CA 352) involving U.S. Patent Nos. 5,189,630 (the '630 patent), 5,526,479 (the '479 patent), 5,671,347 (the '347 patent), and 6,204,862 (the '862 patent). The present application is a continuation of U.S. Patent Application No. 08/871,713 (which issued into the '862 patent), which is a continuation of U.S. Patent Application No. 08/660,891 (which issued into the '347 patent), which is a continuation of U.S. Patent Application No. 07/920,355 (which issued into the '479 patent), which is a continuation-in-part of U.S. Patent Application No. 07/542,990 (the '990 application), filed on June 25, 1990, now abandoned, and U.S. Patent Application No.

**PATENT – INFORMATION DISCLOSURE STATEMENT**

Appl'n No. 09/548,719

Att'ny Dkt No.: 397-8

07/641,716 (which issued into the '630 patent). DDB Technologies, L.L.C., plaintiff in the aforementioned litigation, is the assignee of record of the '630 patent, '479 patent, '347 patent, '862 patent, and the present application. The litigation commenced on June 15, 2004 and is ongoing.

Applicants disclose below the documents that seem useful for the Examiner to assess the patentability of the present invention. If the Examiner wishes to obtain and review additional litigation documents for that purpose, the Examiner is invited to make that request of Applicants.

Examiner Initials	Document		
	Defendant's Expert Report of Christopher Schmandt Re: Invalidity of U.S. Patent Nos. 5,671,347, 6,204,862, and 5,189,630, dated August 15, 2005.		
	Civil Docket for case #: 04-CV-352 ("Docket") from December 19, 2005		
	Docket entry # 1 (dated 6/15/04): Complaint filed.		
	Docket entry # 5 (dated 9/23/04): Answer to complaint and counterclaim by MLB Advanced Media against DDB Technologies.		
	Docket entry # 22 (dated 10/13/04): Answer by DDB Technologies to counterclaim.		
	Docket entry # 55 (dated 3/16/05): Amended answer and counterclaims by MLB Advanced Media: answer.		
	Docket entry # 58 (dated 3/30/05): Opening Markman Brief by DDB Technologies.		
	Docket entry # 61 (dated 4/4/05): Answer by DDB Technologies to amended counterclaim.		
	Docket entry # 63 (dated 4/29/05): Initial Markman Brief by MLB Advanced Media.		
	Docket entry # 64 (dated 5/9/05): Markman Reply Brief by DDB Technologies.		
	Docket entry # 65 (dated 5/12/05): Supplement filed by MLB Advanced Media Re: brief [63-1] - Correction.		
	Docket entry # 86 (dated 8/2/05): Exhibit list by MLB Advanced Media from 8/2/05 Markman hearing.		
Examiner Signature		Date Considered	

PATENT – INFORMATION DISCLOSURE STATEMENT

Appl'n No. 09/548,719

Att'ny Dkt No.: 397-8

Examiner Initials	Document		
	Docket entry # 87 (dated 8/2/05): Exhibit list by DDB Technologies from 8/2/05 Markman hearing.		
	Docket entry # 88 (dated 9/1/05): Transcript filed for dates of 8/2/05 (Proceedings Transcribed: Markman Hearing).		
	Docket entry # 93 (dated 10/3/05): Motion by MLB Advanced Media to amend answer.		
	Docket entry # 103 (dated 10/14/05): Answer by DDB Technologies to counterclaim.		
Examiner Signature		Date Considered	

Please note that all references listed on the enclosed substitute form PTO-1449 are cross-referenced and may be found as exhibits in the disclosed Defendant's Expert Report (the first entry in the above list).

The filing of this Information Disclosure Statement and the enclosed substitute form PTO-1449 shall not be construed as an admission that the information cited is prior art, or is considered to be material to patentability as defined in 37 C.F.R. § 1.56(b).

The Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Deposit Account No. 11-0600.

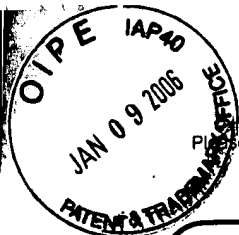
The Examiner is invited to contact the undersigned at 202-220-4200 to discuss any matter regarding this application.

Respectfully submitted,

Dated: January 9, 2006

By: Bradley J. Meier  
Bradley J. Meier  
(Reg. No. 44,236)

KENYON & KENYON  
1500 K Street, N.W., Suite 700  
Washington, D.C. 20005  
(202) 220 - 4200 (telephone)  
(202) 220 - 4201 (facsimile)



Please type a plus sign (+) inside this box → ☐

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

<b>Substitute for form 1449A/PTO</b>  <b>INFORMATION DISCLOSURE STATEMENT BY APPLICANT</b>  (use as many sheets as necessary)			<b>Complete if Known</b>		
			Application Number	09/548,719	
			Filing Date	13 April 2000	
			First Named Inventor	BARSTOW, David	
			Group Art Unit	2178	
			Examiner Name	PAULA, C.	
Sheet	1	of	3	Attorney Docket Number	397-8

U.S. PATENT DOCUMENTS						
Examiner Initials *	Cite No. <sup>1</sup>	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code <sup>2</sup> (if known)			
		5,013,047		Schwab	05-07-1991	[Exh. 6 in expert report]
		4,794,534		Millheim	12-27-1988	[Exh. 21 in expert report]
		4,771,344		Fallacaro et al.	09-13-1988	[Exh. 24 in expert report]
		Re 33,559		Fallacaro et al.	03-26-1991	[Exh. 25 in expert report]
		5,026,053		Paterson et al.	06-25-1991	[Exh. 28 in expert report]
		4,811,608		Hilton	03-14-1989	[Exh. 30 in expert report]
		543,851		S. R. Crowder	08-06-1895	[Exh. 37 in expert report]
		1,055,929		R. H. Long	03-11-1913	[Exh. 38 in expert report]
		5,045,848		Fascenda	09-03-1991	[Exh. 44 in expert report]
		4,554,418		Toy	11-19-1985	[Exh. 45 in expert report]
		4,520,404		Von Kohorn	05-28-1985	[Exh. 46 in expert report]
		4,592,546		Fascenda et al.	06-03-1986	[Exh. 47 in expert report]

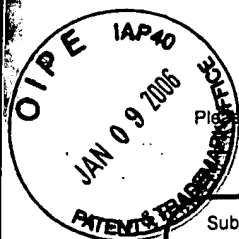
FOREIGN PATENT DOCUMENTS								
Examiner Initials*	Cite No. <sup>1</sup>	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T <sub>6</sub>
		Office <sup>3</sup>	Number <sup>4</sup>	Kind Code <sup>5</sup> (if known)				
		DE	3608148	A1	Günther Schwab	09-24-1987	Based on German Priority Application of U.S.P. 5,013,047  [Exh. 7 in expert report]	
		WO	87/05723	A1	Günther Schwab	09-24-1987	Based on PCT Priority Application of U.S.P. 5,013,047  [Exh. 8 in expert report]	

Examiner Signature		Date Considered	
-----------------------	--	--------------------	--

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> See attached Kinds of U.S. Patent Documents. <sup>3</sup> Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). <sup>4</sup> For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. <sup>5</sup> Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. <sup>6</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Please type a plus sign (+) inside this box → ☐

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 2 of 3

### Complete if Known

Application Number	09/548,719
Filing Date	13 April 2000
First Named Inventor	BARSTOW, David
Group Art Unit	2178
Examiner Name	PAULA, C.
Attorney Docket Number	397-8

### OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. <sup>1</sup>	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T <sup>2</sup>
		Oles Gadacz, The Systems Behind the Scoring At the Olympics in Seoul, Datamation, September 15, 1988. [Exh. 4 in expert report]	
		Olympiad Seoul 1988, Chapters 24 and 26, September 30, 1989. [Exh. 5 in expert report]	
		Project Scoresheet, Inc., 1988 Scoring System User Guide for Game Entry. [Exh. 10 in expert report]	
		1988 Version of Project Scoresheet software, Disks 1, 2, and 4. [Exh. 11 in expert report]	
		Daniel Golden, <i>The Sultan of Stats</i> , The Boston Globe, August 6, 1989. [Exh. 12 in expert report]	
		Glen Dickey, <i>Computer Baseball</i> , The Sporting News, June 28, 1982. [Exh. 15 in expert report]	
		Ray Kennedy, <i>It's the Apple of his Eye</i> , Baseball. [Exh. 16 in expert report]	
		Steve Boros, <i>Computers in the Dugout</i> , Discover, November 1984. [Exh. 17 in expert report]	
		Glen Waggoner, <i>It's a whole new ballgame</i> , PC-Computing, June 1989. [Exh. 18 in expert report]	
		Joe Klein, <i>Computerball is Here</i> , Sport, April 1983. [Exh. 19 in expert report]	
		Charles Leerhsen, <i>The Computers of Summer</i> , Sports, May 23, 1983. [Exh. 20 in expert report]	
		K.K. Millheim, <i>An Engineering Simulator for Drilling: Part I</i> , SPE 12075, 1983. [Exh. 22 in expert report]	
		K.K. Millheim, <i>An Engineering Simulator for Drilling: Part II</i> , SPE 12210, 1983. [Exh. 23 in expert report]	
		LM 1871 RC Encoder/Transmitter, National Semiconductor. [Exh. 26 in expert report]	
		NE567/SE567 Tone Decoder/phase-locked loop, April 15, 1992. [Exh. 27 in expert report]	

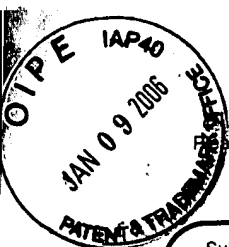
Examiner  
Signature

Date  
Considered

\*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Please type a plus sign (+) inside this box → +

PTO/SB/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031  
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

## INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 3 of 3

### Complete if Known

Application Number	09/548,719
Filing Date	13 April 2000
First Named Inventor	BARSTOW, David
Group Art Unit	2178
Examiner Name	PAULA, C.
Attorney Docket Number	397-8

	Keishi Kandori, <i>A Workstation-based Multi-media Environment for Broadcast Television, USENIX, Summer 1991.</i> [Exh. 29 in expert report]	
	IBM Press Release re: IBM and Major League Baseball, August 15, 1988. [Exh. 33 in expert report]	
	Glen Waggoner, <i>It's a whole new ballgame</i> , PC-Computing, June 1989. [Exh. 34 in expert report]	
	Information and Display Systems, Inc., 1995 Business Plan. [Exh. 36 in expert report]	
	<i>Play-0-Graph Board Draws Thousands</i> , Los Angeles Times, October 5, 1922. [Exh. 39 in expert report]	
	Norman Macht, <i>"Watching" the World Series</i> , American History Illustrated, September 1991. [Exh. 40 in expert report]	
	Aya Konishi, <i>Auto-Cassette: The Automatic Clipping Service for TV News</i> , Massachusetts Institute of Technology, June 1986. [Exh. 41 in expert report]	
	Victor Michael Bove, Jr., <i>PersonalCasting: Interactive Local Augmentation of Television Programming</i> , Massachusetts institute of Technology, September 1985. [Exh. 42 in expert report]	
	Walter Bender, <i>Network Plus</i> , SPIE Electronic Imaging Devices and Systems Symposium, January 1988. [Exh. 43 in expert report]	

Examiner  
Signature

Date  
Considered

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

<sup>1</sup> Unique citation designation number. <sup>2</sup> Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.